



**Nursing Care Quality Assurance Commission (NCQAC)
Business meeting
January 13, 2006
Department of Health
8:30AM – 4:00PM**

**Commission Members
present:**

Dr. Judith D. Personett, EdD, RN, Chair
Jacqueline Rowe, RN, Co-Chair
Richard Cooley, LPN
William Hagens, Public Member
Todd Herzog, RN, CRNA
Lorrie Hodges, LPN
Rev. Ezra Kinlow, Public Member
Robert Salas, RN
Diane Sanders, RN
Rhonda Taylor, RN
Marlene Wells, LPN
Mariann Williams, RN, MPH, MSN, ARNP
Susan Wong, MBA, MPA, RN
Susan Woods, PhD, RN, FAHA, FAAN

**Assistant Attorney General
present:**

Gail Yu, Assistant Attorney General

Staff present:

Paula R. Meyer, RN, MSN, Executive Director
Kris McLaughlin, Secretary
Usrah Claar-Rice, MS, MSN, RN, Nursing Education Manager
Chuck Cumiskey, BSN, MBA, RN, Nurse Practice Manager
Mary Dale, Nurse Discipline Manager
Marc Defreyn, Advising Staff Attorney
Kendra Pitzler, Health Services Consultant

I. NCQAC Business meeting – January 13, 2006

1. Dr. Judith D. Personett, EdD, RN, Chair, called the meeting to order at 8:40AM January 13, 2006. Introductions were made by NCQAC members and staff. Dr. Personett introduced the newly appointed commission members: Todd Herzog, CRNA, Diane Sanders, RN and Mr. William Hagens, public member.
2. **Consent Agenda—DISCUSSION/ACTION**
Items listed under the consent agenda are considered to be routine agency matters and will be approved by a single motion of the Commission without separate discussion. If separate discussion is desired, that item will be removed from the consent agenda and placed on the regular business agenda.
 - Approval of minutes
 - November 3-4, 2005
 - Nursing Program Approval Panel (NPAP) minutes
 - National Council of State Boards of Nursing correspondence

ACTION: A motion was made and passed to approve the consent agenda.

3. **Chair Report — Dr. Judith D. Personett, - DISCUSSION/ACTION**

- December 15 Government Management Accountability and Performance presentation to Governor Gregoire
- Appoint nominating committee members

DISCUSSION: The Government Management Accountability and Performance (GMAP) presentation held on December 15 was presented to the Governor's staff by the Department of Health Secretary, Mary Selecky and the Assistant Secretary, Laurie Jinkins. Dr. Personett brought three priorities to the attention of the NCQAC: improving patient safety, rules for disciplining sexual misconduct, and sanction guidelines. The presentation stated that nearly 300,000 health care professionals in 57 professions are practicing safely and meeting standards. The Governor appointed boards and commissions oversee 34 professions; the Secretary of Health oversees 23 professions. Dr. Personett commented that the meeting was a wealth of information and a privilege to have been invited to attend. The challenges and actions required to ensure a safe and healthy Washington State are daunting.

Copies of letters from Secretary Selecky as well as the slides from the presentation are available upon request by contacting kris.mclaughlin@doh.wa.gov

ACTION: Dr. Personett appointed the members of the nominations committee: Marlene Wells, Chair, Rhonda Taylor, and Karen Brewer. The committee will present their slate of candidates for Chair and Vice Chair positions to the NCQAC in March for approval. Elections will be held at the May meeting and the new officers will take office in July.

4. **Executive Director Report – Paula Meyer - DISCUSSION/ACTION**

- **National Council of State Board of Nursing (NCSBN) Medication Assistance Group:** Mr. Cumiskey attended a task force meeting held in Chicago to discuss the methods used in various states to provide medication assistance. Mr. Cumiskey will provide the NCQAC with a synopsis of the various methods and further reports to be developed by the NCSBN.
- **DISCUSSION:** Mr. Cumiskey reported that the goal of this work group is to develop a survey to measure competencies. There will be continued discussion via e-mail related to this topic and a synopsis of the work will be presented at the NCSBN Mid year meeting held in March 2006.. Mr. Cumiskey will provide the survey at a business meeting when it is completed.
- **Legislative task force members. The 2006 Legislative Session started on January 9, 2006. In order to provide input on legislation affecting nursing and the NCQAC, the members of the legislative task force need to be assigned.**

DISCUSSION: Ms. Meyer explained the purpose of the Legislative task force is to review and comment on all legislative activity that may affect the practice of nursing in the State of Washington. There has not been any specific nursing legislation introduced at this time.

ACTION: The 2006 Legislative task force members will be Dr. Judy Personett, William Hagens, Todd Herzog, Mariann Williams, Rhonda Taylor, Paula Meyer and Chuck Cumiskey. The conference calls will be scheduled every Tuesday evening at 7:00PM.

- **2006 Hearing dates and assignments.**

- **DISCUSSION:** A list of all hearings dates scheduled for 2006 is included in the NCQAC business meeting packet. NCQAC members were asked for their dates of availability for hearing panels. The list was reviewed as well as the requirements for NCQAC to be available for these hearings. Dr. Personett explained that when a member commits to serve on an administrative hearing, it is a very important court date and it should be taken seriously. Other participants in the adjudicative process have adjusted their schedules to allow the Respondent to have his or her opportunity to be heard. Dr. Personett asked Commission members to mark their personal calendars if they have signed up to be on a panel. Any questions regarding the hearings, please contact, Mary.Dale@doh.wa.gov
- **Sanctioning guidelines –**

DISCUSSION: The NCQAC developed and adopted the Sanctioning Guidelines, policy A27.03, on July 1, 2005. The guidelines were discussed as well as the necessity for consistency in charging decisions and sanctions. The Sanctioning guidelines were also reviewed with the HPQA staff attorneys to increase consistency in their use.. In order to continue to be consistent, is the NCQAC ready to move the guidelines to standards? The difference between guidelines and standards are the measure of discretionary decision making. Standards are enforceable. With guidelines, the possibility of deviating from the guidelines exists. It was reinforced that when there are deviations from the guidelines, either mitigating or aggravating circumstances, it is important to document these circumstances. The guidelines are published and available on the nursing website. It would be very helpful to publish the guidelines in a newsletter.

DECISION: A decision was made to develop a task force to review the guidelines and report back at the March meeting. Task force members are Diane Sanders, Rev. Ezra Kinlow, Rick Cooley, Dr. Judy Personett and Jackie Rowe.

- **Digital Video Disc (DVD) on Reviewing Commission Member (RCM) role in disciplinary process by Cheryl Payseno.**

DISCUSSION: Ms. Payseno completed a presentation on the role of the RCM in the disciplinary process that was professionally filmed. This has been placed on DVDs and is available for new NCQAC and pro tem members. This will be used for orientation of new members and with the staff attorneys. A copy of Cheryl's presentation is included in the packet.

- **Newsletter update**

DISCUSSION: Ms. Meyer gave a brief update that there has been continued progress on the use of Publishing Concepts, Inc., as a vendor for a NCQAC newsletter. Ms. Meyer met with the Health Services Quality Assurance (HSQA) directors who support the concept to utilize the PCI Publishing company. The concept will be formalized and presented to the Department of Health senior management team. Since there was widespread support of this concept, there is potential that it could be used for multiple newsletters, not just nursing.

- **Center for Nursing and licensing surcharge update.**

DISCUSSION: Ms. Meyer provided an update on the collection of the \$5 surcharge on all nursing licensure and renewal fees to support the Center for Nursing. The fee went into effect on November 24, 2005. Unfortunately, approximately 1,500 nurses whose birthdates were between September and November did not receive their courtesy reminder renewal notices. A letter was sent to all of those licensees as a courtesy to submit the new \$5.00 surcharge with their renewal. The first disbursement to be given to the Center is scheduled this month.

- **Department of Health final draft – strategic plan.**

DISCUSSION: Ms. Meyer presented the final draft of the Department of Health strategic plan 2005-2007. The five goals in the strategic plan are:

- Improving the health status of people in Washington State,
- To improve public health system accountability and responsiveness,
- Making every dollar count
- Hire, develop and retain a competent and diverse workforce
- Develop and maintain high quality service to the people of Washington State and partnerships that promote the public's health.

DECISION: A "Me Meet Call" to brief members of boards and commissions legislation will be scheduled every Tuesday at 8:30AM beginning January 17th and will last approximately 30-45 minutes. It has been requested that all Board, Commission and Committee chairs or designee participate on these calls. Dr. Personett and Ms. Meyer will participate on these calls.

5. Discussion items – DISCUSSION/ACTION
There were no discussion items at this time.

6. Rules update – Kendra Pitzler – Discussion/Action

DISCUSSION: Ms. Pitzler gave an update to the commission on the nursing assistant rules, WAC 246-841-400 and WAC 246-841-410 through WAC 246-41-510. There have been three workshops and the final draft language was presented to the NCQAC for input. The Nursing definitions and licensure rules, WAC 246-840-010 through 090, and WAC 246-841-565, 760, and 920 were presented to the NCQAC for discussion. Ms. Pitzler presented the timeline for adoption of the rules.

DECISION: Dr. Personett, Rick Cooley and Jackie Rowe volunteered to review the draft nursing assistant rules draft language. An update and a new draft will be provided to the commission at the March business meeting.

DISCUSSION: Ms. Pitzler explained the nursing assistant rules. The draft rules need to be reviewed within 20 days and Ms. Pitzler would like the final draft ready for the March business meeting. Lorrie Hodges, Marlene Wells and Susan Wong volunteered to review the rules and bring them up to Federal standards.

7. Nursing Assistant Examination – Kendra Pitzler and Lew Maudsley-DISCUSSION/ACTION

DISCUSSION: In RCW 18.88A.060 (2) and RCW 18.88A.090 the NCQAC has the responsibility to approve the credentialing examination for nursing assistants. The laws give the authority to develop an examination or adopt. The Federal laws require NA's to take an examination before working in a nursing home. The current contract expires at the end of June but can be extended for up to two years. Consideration of the continued use of the current vendor, Promissor, for the nursing assistant examination, was discussed. Mr. Lew Maudsley of the Department of Social and Health Services (DSHS) was available for questions. DSHS personnel monitor the examination results and provide the Department of Health with the individual results in order for applicants to become certified. Ms. Pitzler asked for volunteers to represent the NCQAC in the contract review process for approving the exam.

Mr Maudesley will be retiring in February from DSHS. Mr. Maudesley has worked on many projects with the nursing assistant program and the NCQAC. Ms. Meyer recognized Mr. Maudsley for his many contributions to DSHS and the DOH.

DECISION: Volunteers to review the contract are Robert Salas and Susan Wong. A decision will be brought forward in March to the Nursing Commission.

1:00PM–OPEN MIKE

DISCUSSION: Joan Garner, WSNA, reported that Washington State Nurses Association (WSNA) Legislative Day will be on January 30. Ms. Garner will be attending a seminar on Health Hazards and Environmental Health. WSNA will be inducting six nurses this year in the Hall of Fame, one of whom is Frank Maziarski. Mr. Maziarski served as a NCQAC member, and the chair of the NCQAC. The banquet will be held on March 6 from 6-8PM at Salty's in Seattle.

8. Staff Attorneys attending Nursing Charging Panels – Paula Meyer – DISCUSSION/ACTION

DISCUSSION: An opportunity to improve the current disciplinary process exists by including an HPQA staff attorney on charging panel conference calls. This is an opportunity for NCQAC members to receive legal input on the cases presented during the conference calls, as well as just in time training on the use of Stipulation to Informal Dispositions (STIDs), fines and cost recovery. It is felt that by having the staff attorneys participate in the calls, there will be an increased understanding of the sanctioning guidelines, the WACs, and the disciplinary guidelines. The NCQAC discussed the methods for the inclusion of the staff attorneys. The staff attorney's role on the panel is to provide legal advice. It may not be the same attorney every call. Mr. Cooley asked if after reviewing the case for several hours, will the staff attorney know the history of the case? The answer is yes, the attorney will have read the legal review and the RCM should have discussed any questions or concerns with the attorney prior to the panel.

A goal of including the staff attorneys is that the RCM and staff attorney should know when the case will be presented. The RCM will receive the file with the name of the staff attorney, panel and panel date. The RCM needs at least two weeks to review the file. Other goals include:

- By including the staff attorney on the charging panel calls, legal advice will be available prior to decision making. The attorney will be able to advise on the sufficiency of evidence to charge or provide informal discipline.
- Providing a legal review with all files forwarded to an RCM
- Increase the communication between the RCM and the staff attorneys. If the staff attorney assigned to the case is not known by the RCM, the RCM can contact Mary Dale. The NCQAC members requested to meet all of the staff attorneys and contact information. Current staff attorneys assigned to the NCQAC and their email addresses are:

Lisa Pannone, Lisa.Pannone@doh.wa.gov

Marc Defreyn, Marc.Defreyn@doh.wa.gov

Janet Staiger, Janet.Staiger@doh.wa.gov

9. Nursing Assistant Curriculum and Caregiver Training Curriculum comparison – Paula Meyer – DISCUSSION/ACTION

DISCUSSION: Ms. Meyer explained the comparison of the curriculum for the nursing assistant certified training programs and caregiver training programs completed by the Department of Social and Health Services (DSHS) personnel dated September 2, 2004. The NCQAC was directed by the legislature to accept caregiver programs toward the requirements of nursing assistant training programs by RCW 74.39A.050 (15). A letter to Representative Eileen Cody

has been drafted to give the results of the comparison, abilities and limitations. Rep. Cody was the sponsor of the legislative language for this mandate.

ACTION: A motion was made and passed to adopt the letter with minor editorial changes.

10. Procedure for non-payment of fines and use of collection agencies – Paula Meyer – DISCUSSION/ACTION

DISCUSSION: Ms. Meyer explained the collection of disciplinary fines as a result of formal actions.. The NCQAC was interested in moving forward with the use of collection agencies if a respondent is non-compliant in the payment of a fine. A notice of collection will be included in statement of charges.

DECISION: Information on how to use collection agencies for the collection of fines will be included as an action item on the March NCQAC business meeting agenda.

11. Presentation on Improving Patient Safety – DISCUSSION/ACTION

Laurie Jenkins, Assistant Secretary, Health Services Quality Assurance (HSQA) provided a presentation on improving patient safety. The following are some of the topics discussed:

- Establishment of a system to prioritize cases
- Adoption of clear, consistent rules relating to sexual misconduct
- Strengthening the charging and sanctioning guidance to staff attorneys
- Establishing a process for management review when conflicts occur with regard to charging decisions
- Ensuring decision makers have complaint history before deciding sanctions
- Analyze the possibility of publishing malpractice settlements and complaints on the Internet
- Prepare a package of legislative recommendations that would address weaknesses in the current disciplinary process

The Board's action will revolve around their role and responsibility in improving patient safety. Ms. Jenkins explained the restructuring of the licensing and disciplinary sections is being reviewed. She asked for feedback from the commission members regarding interest of participating on a subcommittee to work on HPQA standards so they are consistent throughout HSQA. Mariann Williams expressed interest in being on this subcommittee. Ms. Jenkins thanked the NCQAC for their continued support.

12. New sub-committee assignments – Dr. Judith Personett – DISCUSSION/ACTION

DISCUSSION: According to the NCQAC purpose statement, the functions of the NCQAC are to establish, monitor and enforce licensing, disciplinary, consistent standards of practice and continuing competency mechanisms. At their November meeting, the NCQAC changed their structure to have these three areas be their sub-committees. The NCQAC members assigned to each sub-committee were presented.

- Licensing and Discipline – Mary Dale will schedule the 1st conference call
Jackie Rowe – Chair
Rick Cooley
Susan Wong
Marlene Wells
Rev. Ezra Kinlow
Mary Dale and Terry West – staff
- Consistent Standards of Practice – Usrah Claar-Rice will schedule the 1st conference call
Susan Woods – Chair
Rhonda Taylor

Robert Salas
Lorrie Hodges
Karen Brewer
Usrah Claar-Rice and Chuck Cumiskey – staff

- Continuing Competency – Chuck Cumiskey will schedule 1st conference call
Todd Herzog – Chair
Cheryl Payseno
Bill Hagens
Diane Sanders
Judith Personett
Mariann Williams
Chuck Cumiskey and Usrah Claar-Rice - staff

13. Position descriptions – Dr. Judith Personett – DISCUSSION/ACTION

DISCUSSION: Dr. Personett explained that with the new structure of the NCQAC, revisions to the position descriptions are necessary. All of the position descriptions for sub-committees, their chair responsibilities, membership, and duties have been drafted. The NCQAC considered rescinding the position descriptions for the education and practice sub-committees, and adopting the position descriptions for the licensing and discipline, consistent standards of practice and continuing competency sub-committees. The NPAP position description needs to be reviewed.

DECISION: All position descriptions will be ready for approval at the March business meeting.

14. Closing – Dr. Judith Personett adjourned the meeting at 2:50PM January 13, 2006.